



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Larry Carr, Mayor Pro Tempore
Mark Grzan, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Larry Carr, Vice-Chair
Mark Grzan, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, MAY 23, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(Municipal Services Assistant Rice)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Municipal Services Assistant Rice)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORTS

Mayor Tate

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-10 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **ACCEPTANCE OF DEPOT STREET RECONSTRUCTION PROJECT** 1
Recommended Action(s):
 1. **Accept** as Complete the Depot Street Reconstruction Project in the Final Amount of \$2,973,729; and
 2. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.
2. **FINAL MAP APPROVAL FOR ROSE GARDEN PHASE I (TRACT 9880)** 5
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
 2. **Authorize** the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and
 3. **Authorize** the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
3.	<u>FRIENDS OF THE MORGAN HILL LIBRARY ADDITIONAL ART PIECE</u> 9 <u>Recommended Action(s):</u> <u>Accept</u> the Additional Art Piece as Requested by the Friends of the Morgan Hill Library for Inclusion in the New Library Building Project.	
4.	<u>APRIL 2007 FINANCE & INVESTMENT REPORT - CITY</u> 13 <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.	
5.	<u>FINAL MAP APPROVAL FOR RANCHO DEL PUEBLO (TRACT 9887)</u> 41 <u>Recommended Action(s):</u> 1. <u>Approve</u> the Final Map, Subdivision Agreement, and Improvement Plans; 2. <u>Authorize</u> the City Manager to Sign a Subdivision Improvement Agreement on Behalf of the City, Subject to Review and Approval by the City Attorney; and 3. <u>Authorize</u> the Recordation of the Final Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
6.	<u>ADJUST THE FISCAL YEAR 2006-2007 BUDGET TO APPROPRIATE FUNDS FOR POLICE PERSONNEL COSTS</u> 45 <u>Recommended Action(s):</u> <u>Appropriate</u> Funds to Ensure Adequate Budget for Police Personnel Costs: 1) 010.3210, Field Operations, \$263,996; and 2) 010.3245, Special Operations, \$74,461.	
7.	<u>RESOLUTION FOR CONSIDERATION BY THE SANTA CLARA VALLEY WATER DISTRICT WHEN THEY CONSIDER INCREASES TO THE GROUNDWATER REPLACEMENT CHARGE</u> 49 <u>Recommended Action(s):</u> <u>Adopt</u> Resolution.	
8.	<u>ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR LUSAMERICA PHASE I & II</u> 53 <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution Accepting the Public Improvements for Lusamerica Phase I & II; and 2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office.	
9.	<u>ADOPT ORDINANCE NO. 1836, NEW SERIES</u>59 <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1836, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PRECISE DEVELOPMENT PLAN AMENDMENT FOR THE 2.65 ACRE, 15 UNIT PROJECT LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF WRIGHT AVENUE AND HALE AVENUE TO ALLOW FOR THE ELIMINATION OF THE .27 ACRE PRIVATE PARK. (ZAA-05-16: WRIGHT-MANANA)	
10.	<u>ADOPT ORDINANCE NO. 1837, NEW SERIES</u>63 <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1837, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE APPROVED DEVELOPMENT AGREEMENT FOR APPLICATION, DAA-05-07: WRIGHT AVENUE-MANANA TO ALLOW FOR AN AMENDMENT TO PARAGRAPH 14 OF THE DEVELOPMENT AGREEMENT TO ELIMINATE THE PRIVATE PARK REQUIREMENT AND PROVIDE FOR PAYMENT OF PARK IN-LIEU FEES. (DAA-05-07: WRIGHT-MANANA)	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 11

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

11. **APRIL 2007 FINANCE & INVESTMENT REPORT - RDA** 69
Recommended Action(s): **Accept** and **File** Report.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 12-14

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

12. **AWARD OF DEPOT STREET PARKING LOT AND JARVIS/SUTTER INTERSECTION PROJECT** 79
Recommended Action(s):
1. **Appropriate** \$35,000 from Current Year RDA Fund to Project #542006, Depot Street Parking Lot Project;
2. **Appropriate** \$27,000 From Current Year Fund 342.8355.86360 and \$18,000 from Current Year Fund 346.8049.86360 to CIP Project #542006, Depot Street Parking Lot Project, to Fund the Jarvis/Sutter Intersection Project;
3. **Award** Contract to Manzo Construction for the Construction of the Depot Street Parking Lot and Jarvis/Sutter Intersection Project in the Amount of \$109,850; and
4. **Authorize** Expenditure of Construction Contingency Funds not to Exceed \$10,985.
13. **APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 2, 2007** 87
14. **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MAY 16, 2007** 115

City Council Action

PUBLIC HEARINGS:

Time Estimate **Page**

15. **15 Minutes** **AMENDMENTS TO POTENTIALLY DANGEROUS DOG ORDINANCE**.....133
Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Motion to Waive** the Reading in Full of the Proposed Ordinance.
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
16.	30 Minutes	<u>GROUP HOMES</u>	151
		<u>Recommended Action(s):</u> <u>Accept</u> Group Home Materials and <u>Discuss</u> Potential Council Action(s).	
17.	30 Minutes	<u>SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PRESENTATION – OPERATIONS & BUDGET</u>	235
		<u>Recommended Action(s):</u> <u>Receive</u> Presentation – Information Only.	
18.	10 Minutes	<u>COUNCIL COMMITTEES AND WORKPLANS</u>	239
		<u>Recommended Action(s):</u> <u>Discussion</u> Regarding the Purpose of the Council Committees and Related Workplans.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.